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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 HENRY BATISTA,

15 Defendant.
16

Case No. 2:13-cr-00090-LDG-VCF

**STIPULATION TO DISMISS
PETITION AND VACATE STATUS
CHECK [ECF NO. 48]**

17 IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre,
18 Acting United States Attorney, and Daniel Cowhig, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Erin
20 Gettel, Assistant Federal Public Defender, counsel for Henry Batista, that the petition for

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warrant for offender under supervision¹ be dismissed and that the status conference set for December 12, 2017, be vacated.²

DATED this 11th day of December, 2017.

RENE L. VALLADARES
Federal Public Defender

STEVEN W. MYHRE
Acting United States Attorney

/s/ Erin Gettel
By _____
ERIN GETTEL
Assistant Federal Public Defender

/s/ Daniel Cowhig
By _____
DANIEL COWHIG
Assistant United States Attorney

¹ ECF No. 48.

² On September 5, 2017, the Court ordered Mr. Batista continued on all previously imposed conditions of his supervised release with two additional modifications: (1) 90 days of soberlink alcohol monitoring and (2) mental health treatment.

Probation has submitted a report to the court detailing Mr. Batista's completion of all conditions imposed at the September 5, 2017, hearing and recommending that the hearing be vacated. Probation has not joined in the parties' recommendation that the petition be dismissed.

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3
4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 HENRY BATISTA,

8 Defendant.

Case No. 2:13-cr-00090-LDG-VCF

ORDER VACATING STATUS CHECK
AND DISMISSING PETITION
[ECF No. 48]

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11 Having received a stipulation to dismiss the petition for warrant for offender under
12 supervision and a report from the probation office detailing Batista's completion of the special
13 conditions imposed at the September 5, 2017, revocation hearing,

14 IT IS HEREBY ORDERED that the petition for warrant for offender under
15 supervision [ECF No. 48] is DISMISSED, and the status check scheduled for December 12,
16 2017, is VACATED.

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18 DATED: December 11, 2017



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE